

BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

REGULAR MEETING AGENDA

JANUARY 7, 2009

7:30 PM COURTHOUSE COUNCIL CHAMBERS

ROLL CALL_____

PRAYER_____

**ITEMS NOT ON THE AGENDA –
SUSPENSION OF THE RULES**_____

**PUBLIC COMMENT ON ANY PUBLIC MATTER
NOT ON THE AGENDA**_____

CHIEF EXECUTIVE’S REPORT_____

SECTION I PUBLIC HEARING

TO SOLICIT COMMENTS REGARDING THE AMENDMENT OF THE FY 2008-2009 BUDGET OF THE CITY AND COUNTY OF BUTTE-SILVER BOW REGARDING FUNDS FROM THE HARD ROCK ECONOMIC DEVELOPMENT FUND. (Communication No. 08-805 being held in Committee of the Whole) Proof of publication

SECTION II BID OPENING

SEALED BIDS ARE HEREBY INVITED FOR ONE (1) NEW 2008/2009 TANDEM AXLE DUMP TRUCK. (Communication No. 08-812 being held in Committee of the Whole) Proof of publication

SECTION III CONSENT AGENDA

- A.
 - 1. COMMITTEE OF THE WHOLE MEETING REPORT
 - 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
 - 3. JUDICIARY COMMITTEE MEETING REPORT
 - 4. PUBLIC WORKS COMMITTEE MEETING REPORT

B. COMMUNICATIONS

1. 09-01 Dawn Silk, Public Works Department, regarding Annual Finance Report, June 30, 2008. **Recommendation: Note and place on file)**
2. 09-02 Mary M. McMahon, Clerk and Recorder, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
3. 09-03 Ellen Crain, Director Butte-Silver Bow Public Archives, regarding request to make a presentation to the Council of Commissioners January 21, 2008. **Recommendation: Hold in Committee of the Whole and schedule presentation for 1/21/09.**
4. 09-04 Paul Babb, Chief Executive, requesting concurrence in appointments to the Friends of the Urban Forest Board. **Recommendation: concur and place on file.**
5. 09-05 Dawn Silk, Accountant, requesting authorization for Chief Executive to execute agreement with ADDCO Office Systems, Inc. **Recommendation: concur and place on file.**
6. 09-06 Robert M. McCarthy, and Mary Pahut, requesting authorization to apply for matching funds for 2009 Victim Witness Advocacy Program. **Recommendation: Concur and place on file.**
7. 09-07 Robert M. McCarthy, County Attorney, requesting approval to retain Colleen Dowdall for preparation of trial for Highland Road Lawsuit. **Recommendation: concur and place on file.**
8. 09-09 Jon Sesso, Planning Director, requesting authorization for Chief Executive to sign amendment to contract with the Montana Department of Administration to receive grant funds under the Montana Land Information Act Program. **Recommendation: concur and place on file.**
9. 09-11 Roger Ebner, DES, requesting approval to apply for a Montana Disaster and Emergency Services Grant on behalf of city and county of Butte-Silver Bow. **Recommendation: concur and place on file.**

10. 09-12 Roger Ebner, DES, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
11. 09-13 Ellen Crain, Archives Director, requesting authorization for Chief Executive to sign contract with George Everett of Outback Ventures for web page support services. **Recommendation: concur and place on file.**
12. 09-15 Rob Macioroski, Director Land Records, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
13. 09-16 Gary Keeler, Transit Director, requesting time on 1/21/09 agenda to conduct a public hearing regarding the update to Butte-Silver Bow's Paratransit Plan. **Recommendation: hold in Committee of the Whole for public hearing 1/21/09.**
14. 09-17 Bill Melvin, Civic Center Manager, requesting authorization for Chief Executive to sign Letter of Amendment to the Service Agreement between Butte-Silver Bow and National Center for Appropriate Technology for Oversight of Lighting Retrofit Project at Butte-Civic Center. **Recommendation: concur and place on file.**
15. 09-18 Bill Melvin, Civic Center Manager, requesting authorization for Chief Executive to sign Letter of Agreement between Butte-Silver Bow and Walter H. Hinick and Associates for architectural design Services for the District Courts Waiting Room. **Recommendation: concur and place on file.**
16. 09-19 Roger Ebner, Disaster and Emergency Services, requesting authorization for Chief Executive to issue and release payment to Dunne Communications for Biannual Maintenance Services.. **Recommendation: refer to Finance and Budget Committee.**
17. 09-20 Jon Sesso, Planning Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
18. 09-21 Robert Edwards, President Mai Wah Society, Inc. requesting permission to hold 2009 Chinese New Year Events Saturday 2/7/09. **Recommendation: concur and place on file.**

19. 09-22 Dori Skrukrud, Board Member Mai Wah Society, Inc. requesting permission to display Chinese Parade Dragon in Courthouse Rotunda. **Recommendation: concur and place on file.**
20. 09-23 Karen Byrnes, Community Development Director, requesting authorization for Chief executive to execute loan documents related to the RMSC Loan approved by Council on 12/3/08. **Recommendation: concur and place on file.**

SECTION IV COMMUNICATIONS TO BE READ AND ACTED UP

1. 08-8 Paul Babb, Chief Executive, requesting concurrence in promotions to Captain in the Butte-Silver Bow Fire Department.
2. 09-10 Toby Day, Butte-Silver Bow Extension Agent, requesting time on 1/7/09 agenda to request action concerning Extension Services Agreement.
3. 09-14 Paul Babb, Chief Executive, requesting time on 1/7/09 agenda to present Awards of Financial Reporting Achievement to Jeff Amerman and Steve Descharme.

SECTION V ORDINANCES AND RESOLUTIONS – REFERRED TO JUDICIARY

1. COUNCIL RESOLUTION NO. 09-2

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW CLERK AND RECORDER'S OFFICE, ELECTIONS BUDGET, FROM THE MONTANA SECRETARY OF STATE FOR ELECTION JUDGE REIMBURSEMENT TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL RESOLUTION NO. 3

RESOLUTION RELATING TO \$3,000,000 GENERAL OBLIGATION BONDS, SERIES 2009; AUTHORIZING THE ISSUANCE AND CALLING FOR THE PUBLIC SALE THEREOF.

**SECTION VI ORDINANCES AND RESOLUTIONS –
SUSPENSION OF THE RULES**

1. COUNCIL RESOLUTION NO. 09-1

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW LAW ENFORCEMENT FROM THE BUTTE-SILVER BOW HOUSING AUTHORITY TO PROVIDE A FULL-TIME POLICE OFFICER ASSIGNED TO THE HOUSING AUTHORITY TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION CALENDAR OF OTHER MEETINGS AND EVENTS

Jan. 12	Archives	Noon	Archives Center
Jan. 14	Fair Board	5:30 PM	Business Development Center
Jan. 14	Law Enforcement Commission	4PM	Chief Executive's Conference Room
Jan. 14	Library Board	5PM	Library Building
Jan. 15	Zoning Board	5:30 PM	Council Chambers
Jan. 20	Housing Authority	5:30 PM	Silver Bow Homes Housing
Jan. 20	Parks & Recreation	4:15PM	Civic Center Conference Room.
Jan. 20	Technical Review Committee	1:30 PM	Water Co. Building
Jan. 21	Parking Commission	4PM	Chief Executive's Conference Room
Jan. 21	Community Enrichment	10:00AM	Health Department
Jan. 22	Business Development Center	10:00 AM	Business Development Center

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COMMITTEE OF THE WHOLE MEETING REPORT

DECEMBER 30, 2008

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Gentlemen and Ms. Shaw:

We, your Committee of the Whole Committee, respectfully recommend as follows:

SECTION I PUBLIC HEARING

FOR THE PURPOSE OF SOLICITING COMMENTS REGARDING AN AMENDMENT TO THE FY 08-09 BUTTE-SILVER BOW BUDGET TO CREATE BUDGET AUTHORITY FOR UNANTICIPATED REVENUE IN THE ELECTIONS FUND. (Communication No. 08-798 being held in Committee of the Whole) **Proof of publication was noted and placed on file.**

Jeff Amerman, Finance and Budget Director, stated that this is a grant from the State to help offset election worker wagers.

Chairman O'Leary opened the public hearing asked for proponents. On the third and final call there being none he asked for any opponents. Again there was no response, so he closed the public hearing.

SECTION II INVITATION FOR BIDS

REQUESTING SEALED BIDS FOR WATER DISTRIBUTION PRODUCTS ASSOCIATED WITH THE REPLACEMENT OF THE BIG HOLE TRANSMISSION PIPELINE WITHIN BUTTE-SILVER BOW. (Communication No. 08-811 being held in Committee of the Whole) **Proof of publication was noted and placed on file.**

The following bids were opened:

	Total
Northwest Pipe Fitting, Inc, Butte Butte, MT	\$1,203,846.75
American Pipe and Cast Iron Co Castle Pines, North Colorado	\$1,384,224.19.
U.S. Pipe and Foundry Woodenville, WA	\$1,366,310.77

HD Supply Water Works
Missoula, MT

\$\$,338,902.15

Committee recommends that bids be referred to the Public Works Department Water Division for review and report back to the Council.

SECTION III COMMUNICATION NO. 08-274

Jon Sesso, Planning Director, requesting time on 4-16-08 for a staff presentation on draft plan for long-term future of the Natural Resource Damage Program. *Committee recommends that Communication No. 08-274 be held in abeyance.*

SECTION IV COMMUNICATION NO. 08-722

Charlie O'Leary, Chairman Council of Commissioners, requesting examination of the ownership documents for the Storm Lake Dam Site. *Committee recommends that Communication No. 08-722 be held in abeyance.*

SECTION V COMMUNICATION NO. 08-733

Mollie A. Mafei, Deputy County Attorney, requesting concurrence in purchase of Parcel #1593255 in settlement of lawsuit with the James Company and recommending Parks Department remove playground equipment as part of city-county's open space plan. *Committee recommends that Communication No. 08-733 be held in abeyance.*

SECTION VI COMMUNICATION NO. 08-764

John Walsh, Sheriff, requesting time on 12/17/08 agenda to conduct a public hearing for unanticipated revenue from the Housing Authority. *Committee recommends that Communication No. 08-764 be placed on file.*

SECTION VII COMMUNICATION NO. 08-769

Liz Smith, Chairperson Montana Sled Dog, Inc., requesting time on agenda for a presentation about the 24th Annual Race to the Sky Sled Dog Event scheduled for 2/12/09. *Committee recommends that Communication No. 08-769 be held in abeyance.*

SECTION VIII COMMUNICATION NO. 08-784

Robert A. Macioroski, Land Sales Office Director, requesting a public hearing for 12/17/08 for 400 Block E. Park Street, legally described as Lots 5 & 9 of the Lizzie Lode, M.S. 795 Section 18, Township 3 North, Range 7 West and Lots 10 and 11 of the Lizzie Lode, M.S. 795, Section 18, Township 3 North Range 7W. *Committee recommends that Communication No. 08-784 be placed on file.*

SECTION IX**COMMUNICATION NO. 08-785**

Robert A. Macioroski, Land Sales Office Director, requesting a public hearing for 12/17/08 Block of Caledonia Street, legally described as W14' of Lot 8, Lots 9-13, Block 10 of the Volunteer Addition No. 1 Sarsfield Lode to complete Section 14, Township 3 North, Range 8 West. *Committee recommends that Communication No. 08-785 be placed on file.*

SECTION X**COMMUNICATION NO. 08-787**

Karen Byrnes, Director Community Development Department, requesting Council schedule a public hearing for 12/17/08 to receive comment on the 2008 Bulletproof Vest Grant Funds. *Committee recommends that Communication No. 08-787 be placed on file.*

SECTION XI**COMMUNICATION NO. 08-790**

Alex Philp, Rocky Mountain Supercomputing Center, Inc., requesting approval of funding request of \$380,000.00. *Committee recommends to authorize Executive Branch Staff to proceed toward finalizing contract and hold in abeyance.*

SECTION XII**COMMUNICATION NO. 08-791**

Rob Macioroski, Director Land Office, requesting council direct County Attorney to prepare a resolution and deed for transfer of county-owned property to Killgore Development, LLC. *Committee recommends that Communication No. 08-791 be held in abeyance.*

SECTION XIII**COMMUNICATION NO. 08-794**

Judy Kruzich, Chairperson Butte-Silver Bow, Animal Shelter Board, requesting Council help in the disbursement of Samie Keith Estate to the Butte-Silver Bow Humane Society, 699 Centennial Avenue. *Committee approves the request for County Attorney's Office to assist in the litigation.*

SECTION XIV**COMMUNICATION NO. 08-797**

Robert A. Macioroski, Director Land Office, requesting County Attorney be directed to prepare a resolution and documentation for transfer of storm Sewer Easement from Mary Antonioli. *Committee recommends that County Attorney prepare a resolution and documentation for transfer and hold in Committee of the Whole.*

SECTION XV**COMMUNICATION NO. 08-798**

Mary M. McMahon, Clerk and Recorder ~ Election Administrator, requesting public hearing be scheduled for 12/30/08 for the purpose of amending the budget to create budgetary authority within the office of the Clerk and Recorder. *Committee recommends that Communication No. 08-798 be placed on file.*

SECTION XVI**COMMUNICATION NO. 08-805**

Karen Byrnes, Director of Community Development, requesting permission to hold a public hearing 1/7/09 regarding the addition of unanticipated revenue to the 08-09 budget. *Committee recommends that Communication No. 08-805 be held for public hearing on 1/7/09.*

SECTION XVII**COMMUNICATION NO. 08-811**

Dan Dennehy, interim Public Works Director, requesting time on 12/30/08 for the purpose of opening bids for water distribution products associated with the replacement of the Big Hole Transmission pipeline. *Committee recommends that Communication No. 08-811 be placed on file.*

SECTION XVIII**COMMUNICATION NO. 08-812**

Dan Dennehy, Interim Public Works Director, requesting time on 1/7/08 agenda to conduct a bid opening for one (1) new 2008-2009 Tandem Axle dump truck for the Water Division. *Committee recommends that Communication No. 08-812 be held for bid opening on 1/7/09.*

SECTION XIX**COMMUNICATION NO. 08-814**

Brad Johnson, Secretary of State, requesting council choose nominee to fill two vacancies because of the death of Representative Groesbeck for current term in House District 74 and Representative-Elect in House District 74 commencing 1/5/09. *Committee recommends that Communication No. 08-814 be placed on file.*

SECTION XX**COMMUNICATION NO. 08-818**

Chuck Carrig, Butte-Silver Bow Historic Preservation Officer, requesting time on the agenda to present rational for Historic Preservation Commission's denial of the demolition permit for 1207 W. Silver. *Committee recommends that Communication No. 08-818 be placed on file.*

FINANCE & BUDGET COMMITTEE MEETING REPORT DECEMBER 30, 2008

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Gentlemen and Ms. Shaw:

We, your Finance and Budget Committee, respectfully recommend as follows:

SECTION I **COMMUNICATION NO. 08-807**

Dan Dennehy, Interim Public Works Director, requesting approval of line item budget transfers. *Committee approves and places on file.*

SECTION II

EXPENDITURE APPROVAL

12/30/08	\$328,781.06
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Committee recommends approval of above expenditures.

JUDICIARY COMMITTEE MEETING REPORT

DECEMBER 30, 2008

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Gentlemen and Ms. Shaw:

We, your Judiciary Committee, respectfully recommend as follows:

SECTION I **COMMUNICATION NO. 08-690**

Arthur “Tudo” Stagnoli, requesting permission to lift the 5-year limit on selling property purchased under adjacent landowner policy. *Committee recommends that Communication No. 08-690 be placed on file.*

SECTION II COMMUNICATION NO. 08-707

Barb Skelton, requesting authorization for Chief Executive to sign resolution calling for an improved National Energy Policy for the 21st Century. ***Committee recommends that Communication No. 08-707 be held in abeyance.***

SECTION III **COUNCIL BILL NO. 08-9**
ORDINANCE NO. 08-9

AN ORDINANCE AMENDING SECTION 2 OF BUTTE-SILVER BOW
ORDINANCE NO. 134 AND SECTION 204.010 (c) OF THE BUTTE-SILVER
BOW MUNICIPAL CODE (B-SB); ADJUSTING THE ANNUAL SALARY OF
THE SHERIFF AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.
*Committee recommends that Council Bill No. 08-9, Ordinance No. 08-9 be
placed on second reading.*

SECTION IV COUNCIL RESOLUTION NO. 08-100

A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING THAT PORTION OF THE ALLEY WITHIN BLOCK 1 OF THE TRASK ADDITION WITHIN THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PRESCRIBING THE EFFECTIVE DATE OF THIS RESOLUTION AND FINDING THE NECESSARY FACTS HEREIN. *Committee recommends that Council Resolution No. 08-100 be placed on final reading and passed*

SECTION V

COUNCIL RESOLUTION NO. 08-101

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW COMMUNITY DEVELOPMENT DEPARTMENT FROM THE UNITED STATES DEPARTMENT OF JUSTICE TO THE CITY AND COUNTY OF BUTTE-SILVER BOW TO BE EXPENDED ON BULLETPROOF VESTS FOR LAW ENFORCEMENT OFFICERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 08-101 be placed on final reading and passed.*

**PUBLIC WORKS COMMITTEE MEETING
REPORT
DECEMBER 30, 2008**

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Gentlemen and Ms. Shaw:

We, your Public Works Committee, respectfully recommend as follows;

SECTION I **PETITION NO. 08-9**

John Harrington, Building Official, requesting on behalf of 4 S LLC to close and vacate a portion of the alley within Block 1 of the Trask Addition. ***Committee recommends that Petition N. 08-9 be held in abeyance.***

SECTION II PETITION NO. 08-13

John Harrington, Building Official, requesting on behalf of Galena Street, LLC to close and vacate an undeveloped portion of East Galena Street and the Alley between Ohio and Oklahoma Streets in Block 3 Yellow Jack Lode. ***Committee recommends that Petition No. 08-13 be held in abeyance.***

SECTION III

Wally Frasz, Commissioner District #6, requesting a traffic study be done where Rowe Road turns into Holmes Avenue and also the intersection of Lexington and Rowe Road. ***Committee recommends that Communication No. 08-147 be held in abeyance.***

SECTION IV

COMMUNICATION NO. 08-634

Tony Schoonen, Chairman Homeowners Association, requesting Council designate the Dawson Loop Road as a public right of way. ***Committee recommends that Communication No. 08-634 be held in abeyance.***

SECTION V COMMUNICATION NO. 08-738

Greg and Brenda Ebner, requesting Beef Trail Road and Little Basin Creek Road be striped and revised for better visibility and also speed limit signage be posted on both roads. ***Committee recommends that Communication No. 08-736 be held in abeyance.***

SECTION VI

COMMUNICATION NO. 08-747

Cindi Shaw, Commissioner District 11, requesting review of traffic concerns on Caledonia Street to Western Street. *Committee recommends that Communication No. 08-747 be held in abeyance.*